

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

H.J. RUSSELL & COMPANY)	
)	
Plaintiff,)	CIVIL ACTION
v.)	FILE NO. _____
)	
STARR SURPLUS LINES)	
INSURANCE COMPANY,)	
)	
<u>Defendant.</u>)	

NOTICE OF REMOVAL

Defendant Starr Surplus Lines Insurance Company (“Starr”) hereby removes this action from the Superior Court of Fulton County, Georgia.

1.

Plaintiff H.J. Russell & Company (“H.J. Russell”) filed this civil action on October 13, 2017 in the Superior Court of Fulton County, Georgia, captioned *H.J. Russell & Company v. Starr Surplus Lines Insurance Company*, Civil Action File No. 2017CV296583. A true and complete copy is attached hereto as Exhibit “A.” Starr has not yet been served with process such that this notice is timely filed as allowed by 28 U.S.C. § 1446(b).

2.

H.J. Russell is incorporated under the laws of Georgia with its principal place of business in Georgia. (Exh. A, ¶2).

3.

Starr is incorporated under the laws of Illinois with its principal place of business in New York.

4.

In this action, H.J. Russell seeks coverage in excess of \$75,000, exclusive of costs and interest, arising from a lawsuit filed by Westside Venture, LLC (“Westside”), captioned *Westside Venture, LLC v. HJ Russell & Co., P.C. Construction Co., et al.*, in the Superior Court of Fulton County, Georgia, Civil Action File No. 2017CV293244 (the “Underlying Action”). In the Underlying Litigation, Westside seeks injunctive relief and damages from H.J. Russell as a result of drilling activities near Westside’s property. Westside seeks \$5,000,000 in compensatory damages and \$20,000,000 in punitive damages. (Exh. A, ¶8 and Exh. B thereto, p. 40).

5.

This case is removable, pursuant to 28 U.S.C. § 1441 because the United States District Court has original jurisdiction over this case by reason of complete

diversity of citizenship and the amount in controversy, pursuant to 28 U.S.C. § 1332(a).

6.

Removal to this Court is proper pursuant to 28 U.S.C. § 1446(a) as it embraces the district and division where the Superior Court Action is pending. 28 U.S.C. § 1441(a) and N.D. Ga. Local Rule 3.1(B)(1)(a).

7.

Pursuant to 28 U.S.C. § 1446(a), Starr has attached hereto a copy of the Complaint filed in the Superior Court Action as Exhibit “A.” Starr reserves the right to answer or otherwise respond to the Complaint and to assert all defenses within the time allowed following service of process.

8.

Starr shall file a copy of this Notice of Removal with the Clerk of the Superior Court of Fulton County and give prompt written notice of the filing of this Notice of Removal to counsel of record for Plaintiff as required by 28 U.S.C. § 1446(d). (Exhibit “B”, attached hereto).

WHEREFORE, Starr removes this matter to this Court.

FREEMAN MATHIS & GARY, LLP

/s/ Philip W. Savrin

Philip W. Savrin

Georgia Bar No. 627836

psavrin@fmglaw.com

Elizabeth Bertschi

Georgia Bar No. 055715

ebertschi@fmglaw.com

Attorneys for Defendant

100 Galleria Parkway, Suite 1600

Atlanta, Georgia 30339-5948

T: 770.818.0000

F: 770.937.9960

CERTIFICATE OF SERVICE

I hereby certify that I have this day served the within and foregoing **NOTICE OF REMOVAL** by depositing a true and correct copy thereof in the United States mail, postage prepaid, properly addressed, and electronically filed the same with the Clerk of Court using the CM/ECF system, which will automatically send e-mail notification of such filing, to the following attorneys of record:

James J. Leonard, Esq.
Kara Cleary, Esq.
Abby Vineyard, Esq.
Sarah Hannah Newman, Esq.
Barnes & Thornburg LLP
3475 Piedmont Road, NE, Suite 1700
Atlanta, Georgia 30305

Attorneys for Plaintiff

This 13th day of November, 2017.

/s/ Philip W. Savrin
Philip W. Savrin
Georgia Bar No. 627836
psavrin@fmglaw.com

Attorneys for Defendant

100 Galleria Parkway, Suite 1600
Atlanta, Georgia 30339-5948
T: 770.818.0000
F: 770.937.9960